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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,600	07/30/2001	Ping-Sheng Tseng	16503-302501	8219
54698	7590	03/02/2006	EXAMINER	
RAYMOND R. MOSER JR., ESQ. MOSER IP LAW GROUP 1040 BROAD STREET 2ND FLOOR SHREWSBURY, NJ 07702			SAXENA, AKASH	
			ART UNIT	PAPER NUMBER
			2128	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/918,600

Applicant(s)

TSENG ET AL.

Examiner

Akash Saxena

Art Unit

2128

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-37.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). PTO-892  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has presented substantially lengthy arguments clarifying the claimed subject matter. Brief explanation is presented below in response to the arguments, however further search and considerations might be needed to address them all.

Response to Objections: Applicant has argued that claim 28 and 29 are different in scope, however as presented both the workstation and the test bench process service the signal. The difference in scope is explained as "workstation may suspend the operation until some other process (other than test bench process) services the signal". This distinction is not part of the claim and if made so, will change the scope of the claim. Objections to claims 28-29 and 33-34 are maintained.

Response to 35 USC 102 (e) Claim 1-11, 13-17m 17-30, 32-34 and 36: Applicant has attempted to clarify claim language in claim 1 relating to the "reprogrammable logic element" to include the behavioral level function. BU'948 reference inherently teaches use of both hardware simulation and hardware emulation at multiple levels of abstraction as shown in the claim rejection (BU '948: Col.5 Lines 62-67; Col.6 Lines 10-13). Further, test bench callback process responds to the hardware emulator as shown in the Fig.5 (BU '948: Fig. 5 & 7; Col.12 Lines 63-67; Col.13 Lines 1-6, 8-13).

Applicant has also pointed out that BU'948 specifically teaches that "unsynthesizable" behavioral level function are precluded from being synthesized in a hardware emulator. Further arguing that present invention performs this particular aspect that BU'948 states is not possible. There is no support in the specification that teaches unsynthesizable behavioral level function can be synthesized in the hardware emulator. The only possible synthesis disclosed is the Look Up Table (LUT) based mapping of the behavioral function into the hardware emulator (eg. FPGA) (Specification: Pg.14 Lines 12-25). This technique does not generate the unsynthesizable behavioral function, but creates the limited map or look up table, thereby mapping the outputs to the input. eg  $2 \times 2 = 4$  as the row of the table giving the output of 4. This technique is well known in the art and evidentiary support is attached. (See PTO 892).

Specifically the arguments made by the applicant addressed in brief above. Further response to arguments on independent and dependent claims require further search and consideration.

Claims 1-37 as such remain rejected.

Akash Saxena, GAU 2128

22nd February 2006.



KAMINI SHAH  
SUPERVISORY PATENT EXAMINER